

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2012 MAR -9 P 4:09

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

IN RE NATIONAL SECURITY LETTER.

Misc. No. 1:12-mc-7
AST/IDD

MOTION TO SET BRIEFING SCHEDULE

Petitioner, the Attorney General of the United States of America, by and through his undersigned attorneys, moves the Court for an Order setting a schedule for the filing of memoranda in support of or opposition to the Petition for Judicial Review and to Enforce National Security Letter Nondisclosure Requirement. In particular, petitioner requests that the Court order that initial memoranda of law in support of or opposition to the Petition may be filed on or before March 30, 2012, and that rebuttal memoranda, if any, may be filed on or before April 13, 2012.

There is good cause for granting this Motion as follows:

1. Because the Petition is filed pursuant to 18 U.S.C. § 3511, which does not specify a response time or deadline, the Court's entry of the proposed briefing schedule will provide certainty to the parties and the Court regarding the immediate schedule in this action.
2. The proposed schedule also provides sufficient time for the government to prepare and make available to the Court *ex parte* and *in camera* further information, which may include classified information, to support the Petition pursuant to 18 U.S.C.

§ 3511(d). *See id.* (“[i]n all proceedings under this section, the court shall, upon request of the government, review *ex parte* and *in camera* any government submission or portions thereof, which may include classified information.”).

3. The proposed schedule minimizes the burden on respondent in that it permits, but does not require, respondent to participate in these proceedings if it so desires.

WHEREFORE, the Attorney General requests that the Court grant this Motion to Set Briefing Schedule.¹

Dated: March 9, 2012²

Respectfully submitted,

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Assistant Attorney General

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¹ Counsel for the Attorney General has been in communication with respondent and has inquired whether respondent opposes the relief requested in this Motion, but respondent has not yet answered that inquiry.

² Pursuant to 18 U.S.C. § 3511(d), and for the reasons described in the Motion to Seal being filed contemporaneously with this motion, the certificate of service accompanying this filing is being submitted under seal.

By:

A handwritten signature in cursive script, appearing to read "Kevin J. Mikolashek", is written over a horizontal line.

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